



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH  
MEMORANDUM**

**Date:** December 30, 2015

**To:** Woody McMillin, Director of Communication and Media Relations

**From:** Wanda E. Hines, Board Administrator

  

**Name of Board or Committee:** Board for Licensing Health Care Facilities Board Meeting

**Date of Meeting:** January 14-15, 2016

**Time:** 9:00 a.m. CST

**Place:** Iris Conference Room  
665 Mainstream Drive, First Floor  
Nashville, TN 37243

**Major Item(s) on Agenda:** See Attached Agenda

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.

PH-1850 (Rev. 3/79)

RDA N/A

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**JOHN J. DREYZEHNER, MD, MPH**  
COMMISSIONER

**BILL HASLAM**  
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND IMPROVE  
THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

**TENTATIVE AGENDA**

**BOARD FOR LICENSING HEALTH CARE FACILITIES**

**January 14-15, 2016  
IRIS CONFERENCE ROOM, FIRST FLOOR  
9:00 a.m.**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES WHEN  
THE BOARD IS IN SESSION**

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- 1. WELCOME NEW BOARD MEMBERS:** Paul Boyd replacing Betty Hodge as the Consumer representative and Thomas Gee replacing Robert Gordon as the Hospital Administrator.
- 2. CALL THE MEETING TO ORDER.**
- 3. ESTABLISH A QUORUM.**
- 4. CONTESTED CASE HEARING(S).**
- 5. APPROVAL OF MINUTES:**
  - June 23, 2015**
    - (1) Performance Improvement Issue Standing Committee Meeting
    - (2) Performance Improvement Issue Standing and Facilities Construction Standing Committee Meeting
    - (3) Facilities Construction Standing Committee Meeting
  - September 17, 2015**
    - (1) Education Standing Committee Meeting
    - (2) Assisted Care Living Facility/Facilities Construction Standing Committee Meeting
    - (3) Assisted Care Living Facility Standing Committee Meeting

**6. ORDERS.**

**A. Consent Orders.**

**B. Orders.**

**7. REPORTS**

**A. EMS REPORT - Robert Seesholtz**

**B. NURSE AIDE REPORT – Wanda King**

**C. OFFICE OF GENERAL COUNSEL REPORT – Kyonzte’ Hughes-Toombs**

**8. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).**

**A. CONSIDERATION.**

**(INITIALS)**

**B. RATIFICATION.**

**1. QUALIFYING APPLICATIONS**

**(INITIALS)**

1<sup>st</sup> Choice Healthcare, LLC, Knoxville-Professional Support Services  
Action DME, Woodbury, Home Medical Equipment Facility  
Alexander Guest House, Oak Ridge-Assisted Care Living Facility  
Animas Diabetes Care, LLC, Wayne-Home Medical Equipment Facility  
Brigadier General Wendell H. Gilbert TN State Veterans’ Home,  
Clarksville-Nursing Home  
Christian Care Center of Memphis, Memphis-Nursing Home Facility  
HealthSouth Rehabilitation Hospital of Franklin, Franklin-Hospital  
Facility  
Life Care Center of Blount County, Louisville-Nursing Home Facility  
Medina Dialysis, Medina-End Stage Renal Disease Facility  
NxStage Kidney Care Memphis-Germantown-End Stage Renal Disease  
Facility  
Oakwood Senior Living, Knoxville-Assisted Care Living Facility  
Optigen, Inc., Knoxville-Home Medical Equipment Facility  
Owens and Minor Distribution, Inc., Knoxville-Home Medical Equipment  
Facility  
Pentec Health, Inc., Nashville-Home Health Agency Facility  
Pink Ribbons, LLC, Memphis-Home Medical Facility  
Regional One Health Subacute Care, Memphis-Nursing Home Facility

Rose Care Home, Nashville-Home for the Aged Facility  
 Rural Health Services Durable Medical Equipment, Rogersville-Home  
 Medical Equipment  
 Satellite Healthcare Chickasaw Gardens, Memphis-End Stage Renal  
 Disease Facilities  
 Signature Living of Jefferson City, LLC, Jefferson City-Assisted Care  
 Living Facility  
 Soigne Health Care Management, Inc., Cleveland-Home Medical  
 Equipment Facility  
 T4 Medical, LLC, Goodlettsville-Home Medical Equipment Facility  
 Turner Surgery Center, LLC, Nashville-Ambulatory Surgical Treatment  
 Center  
 Volunteer Pharmacy, Knoxville-Home Medical Equipment Facility  
 Volunteer Medical Devices, PLLC, Blountville-Home Medical Equipment  
 Facility  
 WellPark at Shannondale, Knoxville-Nursing Home

**2. (CHOWS)**

Adoration Hospice #618, Nashville-Hospice Facility  
 Adoration Hospice #616, Nashville-Hospice Facility  
 Claiborne and Hughes Health Center, Franklin-Nursing Home Facility  
 Hearth at Hendersonville, Hendersonville-Assisted Care Living Facility  
 Legacy Assisted Living & Memory Care at Lenox Park, Memphis-  
 Assisted Care Living Facility  
 NFC Surgery Center, Nashville-Ambulatory Surgical Treatment Center  
 Facility  
 Surgery Center of Clarksville, Clarksville-Ambulatory Surgical Treatment  
 Center

**9. RULEMAKING HEARING(S)** – Notice of Rulemaking Hearing can be viewed  
 online at: <http://tnsos.org/rules/RulemakingHearings.php>.

- A.** 1200-08-01 Standards for Hospitals
  - 1200-08-01-.06 Basic Hospital Functions
- 1200-08-02 Standards for Prescribed Child Care Centers
  - 1200-08-02-.06 Basic Services
- 1200-08-06 Standards for Nursing Homes
  - 1200-08-06-.06 Basic Services
- 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
  - 1200-08-10-.06 Basic Services
- 1200-08-11 Standards for Homes for the Aged
  - 1200-08-11-.05 Admissions, Discharges and Transfers

- 1200-08-15 Standards for Residential Hospices
  - 1200-08-15-.06 Basic Hospice Functions
- 1200-08-24 Standards for Birthing Centers
  - 1200-08-24-.06 Basic Birthing Center Functions
- 1200-08-25 Standards for Assisted-Care Living Facilities
  - 1200-08-25-.06 Administration
- 1200-08-26 Standards for Home Care Organizations Providing Home Health Services
  - 1200-08-26-.06 Basic Agency Functions
- 1200-08-27 Standards for Home Care Organizations Providing Hospice Services
  - 1200-08-27-.06 Basic Agency Functions
- 1200-08-28 Standards for HIV Supportive Living Centers
  - 1200-08-28-.06 Basic HIV Supportive Living Facility Functions
- 1200-08-29 Standards for Home Care Organizations Providing Home Medical Equipment
  - 1200-08-29-.06 Basic Agency Functions
- 1200-08-30 Pediatric Emergency Care Facilities
  - 1200-08-30-.05 Basic Functions
- 1200-08-32 Standards for End Stage Renal Dialysis Clinics
  - 1200-8-32-.04 Basic Agency Functions
- 1200-08-34 Standards for Home Care Organizations Providing Professional Support Services
  - 1200-08-34-.06 Basic Agency Functions
- 1200-08-35 Standards for Outpatient Diagnostic Centers
  - 1200-08-35-.06 Basic Services
- 1200-08-36 Standards for Adult Care Homes-Level 2
  - 1200-08-36-.05 Administration

## 10. DISCUSSION(S).

- A. Tennessee Ambulatory Surgery Center Association request a proposed rule language change regarding Ambulatory Surgical Treatment Center (ASTC) Rule 1200-08-10-.06(2)(g) regarding the treatment of Malignant Hyperthermia (MH).
- B. Tennessee Board for Licensing Health Care Facilities 2015 Performance Audit Report.
- C. Home Health Agency Rule 1200-08-26-.01(48) & 1200-08-26-.05(4)&(8) OGC to review following items for the request federal exemptions, BME & BOE requirements and all practitioners licensed in other states and practicing in Tennessee.
- D. Approval of Rule language for ACLF Rule 1200-08-25-.10(2)(i) regarding Cooking Appliances.
- E. Office of General Counsel to provide dietitian definition rule language for Board approval.
- F. Revisit-TASCA recommended rule language with added terminology for Board approval for rulemaking hearing and also develop interpretative guideline language. OGC will report on their research regarding product name usage and determination if hospital rules also need to be changed.
- G. **Board Approval for the following Interpretative Guidelines**
  - (1) Approval of Interpretative Guideline language for Assisted Care Living Facility Rule 1200-08-25-.10(2)(i) regarding Cooking Appliances.
  - (2) Approval of Interpretative Guideline for Nursing Homes for Vent Units.

## 11. LICENSE STATUS UPDATES.

### **BAPTIST REHABILITATION-GERMANTOWN, GERMANTOWN**

Baptist Rehabilitation-Germantown, Germantown was placed on inactive status for one (1) year with the effective date of the inactive status coincide with the date of the movement of the MRI services from this hospital location. Baptist Rehabilitation-Germantown's hospital license for eleven (11) beds will not be placed on inactive status as approved at the September 18, 2015 Board meeting. Baptist Rehabilitation-Germantown will be surrendering their hospital licensed #105 effective December 20, 2015. Services at that location will not be hospital based. On December 20, 2015 the MRI services and the outpatient therapy services will transfer simultaneously to Baptist Memorial Hospital-Memphis.

## **12. LICENSE STATUS REQUESTS.**

### **PARAMOUNT HEALTHCARE SERVICES, INC., NASHVILLE**

This Professional Support Services facility is seeking to place their license on inactive status due to receiving a rejection letter of their Plan of Correction and currently they are not under contract. Their request is needed while Paramount Healthcare Services is attempting to obtain a Provider/Contract/Agreement with DIDD.

**Representative(s):** Emeka Nnadi, Director

### **BELCOURT TERRACE NURSING HOME, NASHVILLE**

This forty-nine (49) bed nursing home facility is seeking to place their license on inactive status effective December 15, 2015 concurrent with the facility's cessation of operations on that same date. The residents has been transferred to other appropriate facilities. This facility has undergone a change of ownership effective October 1, 2015 and has filed a CHOW application with our department.

**Representative(s):** Michaela Poizner, Attorney

### **THE CENTER FOR ORAL AND FACIAL SURGERY, CHATTANOOGA**

This Ambulatory Surgical Treatment Center facility is seeking to place their license on inactive status for twelve (12) months.

**Representative(s):** Katie W. Appleberry

### **BEST NURSES, INC., MEMPHIS**

The home health agency is seeking to place their license on inactive status due to this agency providing Medicare services is being review by ZPICs. Best Nurses, Inc., has been assessed a substantial extrapolated overpayments by the ZPIC's and it could take up to two (2) years in the appeal process with the ZPICs.

**Representative(s):** Regenna Williams, Administrator

### **BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY**

This thirty-five (35) bed skilled nursing unit at Baptist Memorial Hospital-Memphis is requesting a second extension for their license to remain on inactive status for an additional twelve (12) months. Baptist Memorial Hospital-Memphis has not yet completed final plans for future operations of this unit. Baptist Memorial Hospital-Memphis was granted an inactive status on February 7, 2013 for twelve (12) month and an extension inactive status waiver was granted on January 23, 2014 for twelve (12) additional months. The current inactive status waiver will expire on February 7, 2016.

**Representative(s):** Dan Elrod, Attorney

**BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN,  
GERMANTOWN**

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting an extension for their license to remain on inactive status for 12 months pending an evaluation as to the appropriate location and model for future operations. This extension will enable Baptist Memorial to reach a well-considered conclusion regarding the future for this facility.

**Representative(s):** Dan Elrod, Attorney

**13. WAIVER REQUESTS.**

**A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE  
NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A  
TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL  
A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER  
LICENSE IN TENNESSEE.**

**(1) SOUTHERN TENNESSEE REGIONAL HEALTH SYSTEM-  
WINCHESTER, WINCHESTER**

- Jerry Dooley, Interim CEO

**(2) DIVERSICARE OF MARTIN, MARTIN**

- Juanita Honeycutt, Regional Vice President

**B. OTHER WAIVER REQUEST(S)**

**MAYBELLE CARTER SENIOR ADULT HOME, NASHVILLE**

This seventy-four (74) ACLF facility is seeking to waive ACLF Regulation 1200-08-25-.09(16)(b) regarding the number of beds in each bedroom. Maybelle Carter is seeking to renovate the facility and is considering modification that would provide up to three (3) residents sharing certain common space within a shared space configuration of a half wall providing privacy in the sleeping area only.

**Representative(s):** Chris Puri, Attorney

**THE COURTYARDS SENIOR LIVING-JOHNSON CITY, JOHNSON CITY #376**

This assisted care living facility is seeking to waive the following ACLF Rules 1200-08-.03(5) and Rule 1200-08-25-.03(6) in order to change the licensed number of bed capacity from 25 to 83 beds. The increase in number is adding 32 beds that are currently licensed as Continuum Courtyards, LLC, #259, a home for the aged facility and 26 beds currently licensed as Continuum Courtyards, LLC, #214, also a home for the aged facility and the two residential home for the aged (RHA) facilities licenses will be dissolve and the beds will be a part of the Courtyards Senior Living, Johnson City, an assisted care living facility. The ownership of business is Continuum Courtyard, LLC

**Representative(s):** Dava Snyder, Regional Director

**THE COURTYARDS SENIOR LIVING-KNOXVILLE 3, KNOXVILLE #377**

This assisted care living facility is seeking to waive the following ACLF Rules 1200-08-.03(5) and Rule 1200-08-25-.03(6) in order to change the licensed number of bed capacity from 25 to 57 beds. The increase in number is adding 32 beds that are currently licensed as Continuum Courtyard, LLC, #344 a home for the aged facility will increase the bed count to 57 beds currently licensed as Continuum Courtyards, LLC, #377, an assisted care living facility and will dissolve its RHA license #344. The ownership of business is Continuum Courtyard, LLC.

**Representative(s):** Dava Snyder, Regional Director

**SISKIN HOSPITAL SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA AND SISKIN WEST, CHATTANOOGA f/k/a ST. BARNABAS NURSING HOME, CHATTANOOGA**

Siskin Hospital Subacute Rehabilitation Program a 23 bed facility is seeking to share the same administrator who is currently the administrator at Siskin West, Chattanooga which Siskin Hospital purchased and own both facilities and they are located in the same campus. The services provided are already consolidated or matrixed with the hospital. Siskin is seeking to waive nursing home regulation 1200-08-06-.04(1) so Ms. Cynthia Wheeler could use her 40+ hours per week across the two facilities.

**Representative(s):** Carol Sim, President and CEO

**MCKENDREE VILLAGE, HERMITAGE**

McKendree Village is a one hundred fifty (150) bed skilled nursing and long term care facility and has been approved by the Tennessee Health Services and Development Agency for an additional 30 skilled nursing beds at McKendree Village for a total of one hundred eighty (180) beds. McKendree Village is embarking on significant construction, renovation and upgrades that will enhance the environment and quality of life for all residents. These renovations and upgrades require significant work in all resident areas including residents' rooms, hallways, and common spaces. In order to accomplish these renovations McKendree Village is proposed utilizing North 1 as temporary residence space which residents and staff will be rotated while their units are being renovated and upgraded. McKendree Village anticipate that all units will be renovated within approximately 24 months.

**Representative(s):** Barbara Morrison, Executive Director

**14. BOARD POLICY CONSENTS.**

- A. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:**

Creekside Health and Rehabilitation Center, Madison  
Ivy Hall Nursing Home, Elizabethton

- B. THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT AN ADMINISTRATOR TO SERVE BOTH A NURSING HOME AND ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:**

Good Samaritan Society-Fairfield Glade, Crossville (Nursing Homes) and (Assisted Living) for Good Samaritan Society-Fairfield Glade, Crossville

- C. THE FOLLOWING FACILITY IS REQUESTING APPROVAL TO PROVIDE SHARE SERVICES IN ACCORDANCE WITH BOARD POLICY #51:**

Siskin Hospital Subacute Rehabilitation Program, Chattanooga

**15. REGULATION(S).**

- A. BOARD APPROVAL FOR RULEMAKING HEARING.**

(1) APN admit and on-call services language of hospital regulations.

- (2) Tennessee Ambulatory Surgery Center Association (TASCA) recommended rule language of ASTC 1200-08-10-.06(2)(g) regarding the treatment of malignant hyperthermia (MH).

**B. PROPOSED RULE LANGUAGE**